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Attorneys for Plaintiffs

10 **IN THE UNITED STATES DISTRICT COURT**  
11 **FOR THE DISTRICT OF ARIZONA**

12 IN RE BARD IVC FILTERS PRODUCTS  
13 LIABILITY LITIGATION

14 Barry Phares, an individual,  
15 Plaintiff,

16 v.

17 C.R. Bard, Inc., a corporation, and Bard  
18 Peripheral Vascular, Inc., an Arizona  
19 corporation,

20 Defendants.

No. MD-15-02641-PHX-DGC

Civil Action No.: 2:16-cv-02210-PHX-DGC

**FIRST AMENDED MASTER SHORT  
FORM COMPLAINT FOR DAMAGES  
FOR INDIVIDUAL CLAIMS**

21  
22 Plaintiff(s) named below, for their Complaint against Defendants named below,  
23 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

24 Plaintiff(s) further show the Court as follows:

25 1. Plaintiff:

26 Barry Phares  
27  
28

2. Spousal Plaintiff or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's state(s) [if more than one Plaintiff] of residence at the time of implant:

Washington

5. Plaintiff's state(s) [if more than one Plaintiff] of residence at the time of injury:

Washington

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Washington

7. District Court and Division in which venue would be proper absent direct filing:

Western District of Washington

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: \_\_\_\_\_

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

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10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

- ☐ Recovery<sup>®</sup> Vena Cava Filter
- ☒ G2<sup>®</sup> Vena Cava Filter
- ☐ G2<sup>®</sup> Express Vena Cava Filter
- ☐ G2<sup>®</sup> X Vena Cava Filter
- ☐ Eclipse<sup>®</sup> Vena Cava Filter
- ☐ Meridian<sup>®</sup> Vena Cava Filter
- ☐ Denali<sup>®</sup> Vena Cava Filter
- ☐ Other: \_\_\_\_\_

11. Date of Implantation as to each product:

September 17, 2006

12. Counts in the Master Complaint brought by Plaintiff(s):

- X Count I: Strict Products Liability – Manufacturing Defect
- X Count II: Strict Products Liability – Information Defect (Failure to Warn)

- 1           X     Count III:     Strict Products Liability – Design Defect
- 2           X     Count IV:    Negligence - Design
- 3           X     Count V:     Negligence - Manufacture
- 4           X     Count VI:    Negligence – Failure to Recall/Retrofit
- 5           X     Count VII:   Negligence – Failure to Warn
- 6           X     Count VIII:  Negligent Misrepresentation
- 7           X     Count IX:    Negligence *Per Se*
- 8           X     Count X:     Breach of Express Warranty
- 9           X     Count XI:    Breach of Implied Warranty
- 10          X     Count XII:   Fraudulent Misrepresentation
- 11          X     Count XIII:  Fraudulent Concealment
- 12          X     Count XIV:  Violations of Applicable Washington Law Prohibiting
- 13                Consumer Fraud and Unfair and Deceptive Trade Practices
- 14          ☐    Count XV:    Loss of Consortium
- 15          ☐    Count XVI:   Wrongful Death
- 16          ☐    Count XVII:  Survival
- 17          X     Punitive Damages
- 18          ☐    Other(s):\_\_\_\_\_ (please state the facts supporting
- 19                this Count in the space immediately below)
- 20
- 21
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- 27
- 28

13. Jury Trial demanded for all issues so triable?

X Yes

– No

RESPECTFULLY SUBMITTED this 13<sup>th</sup> day of July, 2016.

**LOWE LAW GROUP**

By: /s/ Jonathan Peck  
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*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 13<sup>th</sup> day of July, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Jonathan Peck